ENGINEERING EXPERTS—CONSULTATIONS—COST OF

191. Mr. C. V. Iyyu *(Kunnamkulam)*: Will Government be pleased to state.—

(*a*) the total money spent for consulting the Engineering Experts within the last 15 years in investigating Engineering schemes;

(*b*) whether any scheme has been worked out except the Ram Mohan Palace?

Mr. V. K. Aravindaksha Menon *(Chief Engineer)*:

(*a*) Rs. 57,920—11—8.

(*b*) No.

BOYS AND GIRLS EMPLOYED IN THE SITARAM MILLS, COCHIN TEXTILES, ETC.

192. Mr. C. V. Iyyu *(Kunnamkulam)*: Will Government be pleased to state.—

(*a*) the number of boys and girls below 18 years of age employed in the (*i*) Sitaram Mills, (*ii*) Cochin Textiles, (*iii*) Tata Oil Mills, (*iv*) and each of the other mills and factories in the State;

(*b*) whether these boys and girls have to attend to night duties also;

(*c*) if so, for how many hours in the week?

Mr. V. K. Aravindaksha Menon *(Chief Engineer)*:

(*a*) (*i*) In Sitaram Mills boys 45, girls 9, (*ii*) The Cochin Textiles boys 395, girls 76, (*iii*) The Tata Oil Mills boys nil, girls nil, (*iv*) the particulars have not been received from all the factories as called for.

(*b*) Girls do not attend to night shift. Only boys are attending.

(*c*) They work for 54 hours in a week.

ARTICLE IN THE "GOMATHI" DATED 23rd MITHUNAM 1118

193. Mr. C. V. Iyyu *(Kunnamkulam)*: Will Government be pleased to state.—

(*a*) whether they have noted the report by a correspondent in "Gomathi" dated 23rd Mithunam 1118 from Koratti under the caption "പാർത്ഥസാരഥിയും എക്സൈസ് ശിപായിയും" (Parvathiakaran and Excise Peon);

(*b*) if so, whether any case has been registered;

(*c*) if the answer to (*b*) above is in the affirmative at what stage the case is standing?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police)*:

(*a*) Yes.

(*b*) A case has been registered for the export of cattle to Travancore without permit.

(*c*) The case is pending in the Court.

LEGISLATIVE BUSINESS

BILLS—(Non-official)

The Cochin Citizens in Enemy Hands Protection Bill

Mr. V. J. Mathai *(Planters)*: Sir, I beg leave of the House to move for the introduction of the Cochin Citizens in Enemy Hands Protection Bill.

Mr. A. Eachara Menon *(Chittur-Rural)*: I beg to second it.

Mr. V. J. Mathai *(Planters)*: It is now necessary to state the principle of the Bill and its general provisions. The principle of the Bill is affording relief to those unfortunate citizens of the Cochin State who are now in enemy hands or in territories occupied by the enemy and also those who have dealings with those unfortunate fellow-citizens of ours. The general provisions of the Bill, if I may elaborate further, are only these. We find that in Burma there are 7½ lakhs of Indians, and in the Federated Malay States, 5 lakhs. And out of that, quite a good number are Cochinites. Now these Cochin subjects who are in enemy hands cannot possibly come here and claim the money due to them, nor can we collect the moneys from them. I am not very much concerned with the latter, as with the former. As regards this question, the House will find that the law of limitation is inexorable. Unless some provision is made, their interests will be at stake. There are several to whom thousands of rupees are due, and the law of limitation may step in between them and their money. The hostilities began on 3rd September 1939. The law of limitation should not be made applicable to them till the cessation of hostilities and for 12 months after their obtaining freedom to come over to India. I submit this for the acceptance of the House.

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I may also say, Sir, that I don't claim that the Bill is perfect. It is for the law officers to lick it into shape, and even send it to a select committee if necessary.

Mr. A. V. Moothedan *(Chalakkudi)*: May I know whether in British India a similar legislation has been passed. I don't think I am not against the principles of the Bill. It is a post-war problem which is very complicated and we can very well wait and see what the British Government is doing for British India, and after all we form only a very small part of the citizens in enemy hands. I think there is no harm if it is referred to committee for report, and wait and see what the other parts of India do in the matter. A law is necessary, because the law of limitation is there and pronotes expire after 3 years, and we are not sure when the hostilities may cease and when those persons in enemy hands would be enabled to claim their money through a civil court.

Mr. M. Sivarama Menon *(Advocate-General)*: I must thank the Hon'ble Member for Planters for having brought this Bill which has enabled Government to consider the question in all its aspects and make enquiries. The enquiry conducted by the Government goes to show that some sort of protection is necessary for the Cochin subjects in enemy hands. I am very glad that the Hon'ble Member for Planters has tabled this Bill for this purpose. The principle of the Bill is accepted by the Government and has been rightly observed by the mover of the Bill, it is very likely that this Bill will have to undergo radical changes in a select committee. Government are very glad to accept the principle involved in this Bill.

Mr. V. J. Mathai *(Planters)*: I have nothing to say in reply except that the Bill may get the acceptance of the House.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Citizens in Enemy Hands Protection Bill".

Mr. V. J. Mathai *(Planters)*: I now move, Sir, that the Bill be referred to a select committee consisting of the following members.—

1. Advocate-General
2. Diwan Peishkar
3. Mr. P. Kumaran Ezhuthassan
4. Mr. K. T. Achyutan
5. ,, A. V. Moothedan
6. ,, A. Eachara Menon

and the mover.

The Advocate-General is to be the Chairman of the Committee.

മിസ്റ്റർ വി. കെ. കുട്ടി: ഇതിൽ കച്ചവടക്കാരുടെ കാര്യവും നോക്കേണ്ടതുണ്ട്. അതിനു മിസ്റ്റർ ഗോവിന്ദപൈയും വേണമെന്നാണ് ഞാൻ പറയുന്നതു.

Mr. V. J. Mathai *(Planters)*: I have no objection.

Motion put and carried

Mr. V. J. Mathai *(Planters)*: I now suggest that the period for sending the report may be 2 months.

Mr. M. Sivarama Menon *(Advocate-General)*: I think the time is not enough. It may be fixed as 3 months.

Deputy President: The Advocate-General will be the Chairman of the Committee and the time will be 3 months.

The Cochin Specific Relief Act (Amendment) Bill

Mr. V. J. Mathai *(Planters)*: I move that the Cochin Specific Relief Act (Amendment) Bill be read in Council.

It is necessary to explain the principle of the Bill and its general provisions. The principle of the Bill is that our High Court should have definite powers as stated in the objects and reasons, to issue writs of mandamus, to persons bodies and corporations owing duties to the public. That is the principle of the Bill, and that is its object.

Now, Sir, this matter may be a little technical; I shall make it as clear as possible and non-technical as possible, so that even a layman can understand. I may tell you that the King's Bench of the High Court of Judicature of England have always been exercising the power of issuing a writ in the nature of mandamus, which means "we command", to persons, bodies and corporations including Government servants to do or forbear from doing a particular act. That power devolving, if I may say so, upon the High Courts were exercised in the High Courts of Fort William, Fort St. George and in Bombay. Those powers are being exercised by other High Courts now, and let us see what exactly is our position. I shall quote a typical instance in point; I have only to recite the facts in 'A. B. Salem versus Secretary to Government of Cochin'. There the question was whether a particular authority should be asked to exercise the function vested in him, namely to rectify the name of a voter. One can easily see the effect of

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